

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0484-AIR-E TCEQ ID: RN102888328 CASE NO.: 33079**  
**RESPONDENT NAME: Sunoco, Inc. (R&M)**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Sunoco R&amp;M La Porte Plant, 8811 Strang Road, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2007-1365-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 19, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>     <b>TCEQ Attorney/SEP Coordinator:</b> None     <b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171     <b>Respondent:</b> Mr. Gerald Crawford, Environmental Engineer, Sunoco, Inc. (R&amp;M), 8811 Strang Road, La Porte, Texas 77572     Mr. Loris Canahuati, Production Manager, Sunoco, Inc. (R&amp;M), 8811 Strang Road, La Porte, Texas 77572     <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 15, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 21, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, 1,636 pounds ("lbs") of propylene, 66 lbs of propane, 1,196 lbs of carbon monoxide, 5 lbs of volatile organic compounds and 166 lbs of nitrogen oxide were released when the Respondent failed to prevent plugging of the boiler feed water strainer causing the shut down of the boiler, resulting in an emissions event that occurred on December 3, 2006, and lasted for twelve hours and fifty minutes (Incident No. 84507). Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 5572B, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$8,950</p> <p><b>Total Deferred:</b> \$1,790  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$7,160</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has hydro-blasted and buffed the inside of the old deaerator and placed it under a nitrogen blanket to prevent oxidation, as documented on April 23, 2007.</p>

Additional ID No. HG0825G



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

<b>DATES</b>	<b>Assigned</b>	26-Mar-2007	<b>Screening</b>	28-Mar-2007	<b>EPA Due</b>	15-Dec-2007
	<b>PCW</b>	8-Jun-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Sunoco, Inc. (R&M)
<b>Reg. Ent. Ref. No.</b>	RN102888328
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	33079	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-0484-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Nadia Hameed
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$5,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 89% Enhancement **Subtotals 2, 3, & 7** \$4,450

**Notes** Penalty enhancement due to three 1660 agreed orders with denial of liability, five same or similar NOV's and two non-similar NOV's.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 10% Reduction **Subtotal 5** \$500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

**Notes** The Respondent achieved compliance on April 23, 2007.

**Subtotal 6** \$0

Total EB Amounts \$89  
Approx. Cost of Compliance \$4,600

0% Enhancement\*  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$8,950

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount** \$8,950

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$8,950

**DEFERRAL** 20% Reduction **Adjustment** -\$1,790

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$7,160

Screening Date 28-Mar-2007

Docket No. 2007-0484-AIR-E

PCW

Respondent Sunoco, Inc. (R&amp;M)

Policy Revision 2 (September 2002)

Case ID No. 33079

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Nadia Hameed

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 89%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to three 1660 agreed orders with denial of liability, five same or similar NOVs and two non-similar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 89%

Screening Date 28-Mar-2007

Docket No. 2007-0484-AIR-E

PCW

Respondent Sunoco, Inc. (R&amp;M)

Policy Revision 2 (September 2002)

Case ID No. 33079

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), TCEQ Air Permit No. 5572B, Special Condition No. 1, and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to prevent unauthorized emissions. Specifically, 1,636 pounds ("lbs") of propylene, 66 lbs of propane, 1,196 lbs of carbon monoxide, 5 lbs of volatile organic compounds and 166 lbs of nitrogen oxide were released when Sunoco failed to prevent plugging of the boiler feed water strainer causing the shut down of the boiler, resulting in an emissions event that occurred on December 3, 2006, and lasted for twelve hours and fifty minutes (Incident No.84507). Since this emissions event was avoidable, Sunoco failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	4/23/2007	Moderate	Minor
4600			

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$89

Violation Final Penalty Total \$8,950

This violation Final Assessed Penalty (adjusted for limits) \$8,950

## Economic Benefit Worksheet

**Respondent** Sunoco, Inc. (R&M)  
**Case ID No.** 33079  
**Reg. Ent. Reference No.** RN10288328  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$4,600	3-Dec-2006	23-Apr-2007	0.4	\$89	n/a	\$89

Notes for DELAYED costs

Estimated cost of corrective actions. Work completed includes hydroblasting, buffing and placement of nitrogen on the inside of the old deaerator (\$4,600). Date required is the date of the emissions event. Final date is the date corrective actions were completed.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,600

TOTAL

\$89

# Compliance History

Customer/Respondent/Owner-Operator: CN601179914 Sunoco, Inc. (R&M) Classification: AVERAGE Rating: 6.24  
 Regulated Entity: RN102888328 SUNOCO R&M LA PORTE PLANT Classification: AVERAGE Site Rating: 4.91

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011175  
 INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD098200637  
 GENERATION  
 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 31010  
 GENERATION (SWR)  
 AIR OPERATING PERMITS ACCOUNT NUMBER HG0825G  
 AIR OPERATING PERMITS PERMIT 1424  
 AIR NEW SOURCE PERMITS PERMIT 5572B  
 AIR NEW SOURCE PERMITS PERMIT 53042  
 AIR NEW SOURCE PERMITS PERMIT 5572C  
 AIR NEW SOURCE PERMITS PERMIT 40591  
 AIR NEW SOURCE PERMITS PERMIT 41949  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0825G  
 AIR NEW SOURCE PERMITS AFS NUM 4820100485  
 AIR NEW SOURCE PERMITS REGISTRATION 70549  
 AIR NEW SOURCE PERMITS PERMIT 54401  
 AIR NEW SOURCE PERMITS REGISTRATION 81336  
 WATER LICENSING LICENSE 1011175  
 PETROLEUM STORAGE TANK REGISTRATION 24175  
 REGISTRATION  
 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 31010  
 (SWR)

Location: 8811 STRANG RD, LA PORTE, TX, 77572 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 26, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 26, 2002 to March 26, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: NHameed Phone: 713-767-3629

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/05/2004

ADMINORDER 2003-0177-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(g)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)  
 40 CFR Part 60, Subpart DDD 60.562-2(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to make the first attempt to repair leaking components with tag numbers 70628.02, 70005, 70037, 71814, and 70007 within five calendar days after the leak was discovered.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to document daily flare observation for EPNs Flare-1 and Flare-2, including the time of day

and whether or not the flare was smoking.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3 PERMIT

Description: Failed to meet the combined emission limit of 23.2 lbs. of VOCs per million lbs. of polypropylene for EPNs 113 and 114, by emitting 39 lbs of VOCs per million lbs. of polypropylene from EPNs 113 and 114 on July 15, 2002.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition Nos. 22(e)(1) and (4) PERMIT

Description: Failed to record in the sample result records for EPNs 113 and 114 the time that each VOC sample was taken and the total VOCs emitted to the atmosphere.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

5C THC Chapter 382, SubChapter A 382.0518(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to obtain a permit or permit-by-rule for dry abrasive cleaning operations at the plant.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(5)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to document the reason for delay of repair for leaking fugitive components not repaired within fifteen days.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Part 60, Subpart Db 60.49b(a)(1)

40 CFR Part 60, Subpart Db 60.49b(a)(2)

40 CFR Part 60, Subpart Db 60.49b(a)(3)

40 CFR Part 60, Subpart Db 60.49b(a)(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a complete initial start-up notification for C-Boiler (EPN-120) by October 9, 1999.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)

40 CFR Part 60, Subpart Db 60.48b(e)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 20(B) PERMIT

Description: Failed to use a certified nitric oxide gas cylinder during the February 27, 2002 cylinder gas audit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.564(d)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to conduct testing of the emissions from EPN 110 to determine compliance with the individual stream exemptions.

Effective Date: 10/24/2005

ADMINORDER 2005-0188-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 5572B, SC #1 PERMIT

Description: Failed to limit emissions from the C-flare (EPN 140) in the C-Line Unit to those authorized by the permit.

Effective Date: 07/14/2006

ADMINORDER 2005-0794-AIR-E



Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an emissions event report for the exceedance of the estimated emissions as a result of a scheduled startup activity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #5572B, SC#1 PERMIT

Description: Sunoco failed to submit an emissions event report for the exceedance of the estimated emissions as a result of a scheduled startup activity.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/02/2002	(104178)
2	06/05/2002	(104179)
3	12/03/2002	(16467)
4	01/08/2003	(9670)
5	07/13/2003	(35184)
6	08/29/2003	(119531)
7	12/17/2003	(252763)
8	12/17/2003	(252730)
9	03/17/2004	(260854)
10	05/17/2004	(251876)
11	06/22/2004	(266994)
12	06/22/2004	(266995)
13	08/23/2004	(265841)
14	08/28/2004	(266466)
15	08/28/2004	(267569)
16	08/28/2004	(265810)
17	08/29/2004	(265566)
18	08/31/2004	(290571)
19	09/01/2004	(279190)
20	10/22/2004	(337799)
21	10/25/2004	(291973)
22	11/11/2004	(290630)
23	12/20/2004	(343600)
24	01/07/2005	(339390)
25	01/18/2005	(336630)
26	02/11/2005	(336628)
27	04/18/2005	(373760)
28	05/02/2005	(375166)
29	05/04/2005	(378176)
30	05/06/2005	(379885)
31	07/13/2005	(399795)
32	07/13/2005	(399616)
33	07/27/2005	(401628)
34	07/27/2005	(401452)
35	07/27/2005	(400065)
36	08/10/2005	(404050)
37	08/24/2005	(404759)
38	08/25/2005	(405746)
39	08/29/2005	(405386)
40	11/28/2005	(431292)
41	02/10/2006	(453301)
42	02/21/2006	(453967)
43	02/23/2006	(455885)
44	02/25/2006	(456917)
45	02/28/2006	(456491)

46 02/28/2006 (457028)  
 47 02/28/2006 (457168)  
 48 04/11/2006 (457719)  
 49 04/28/2006 (463982)  
 50 05/26/2006 (461009)  
 51 06/06/2006 (467462)  
 52 07/10/2006 (466004)  
 53 07/10/2006 (483608)  
 54 07/14/2006 (484670)  
 55 07/31/2006 (456185)  
 56 08/04/2006 (380088)  
 57 08/18/2006 (509314)  
 58 09/01/2006 (489141)  
 59 09/11/2006 (511595)  
 60 09/18/2006 (511640)

61 09/19/2006 (512017)  
 62 09/21/2006 (512001)  
 63 10/11/2006 (467414)  
 64 10/31/2006 (516691)  
 65 02/26/2007 (537781)  
 66 03/21/2007 (540253)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	08/29/2003	(119531)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to control unauthorized emissions from the Hexane and Propylene Distillation Unit during an emissions event.			
Date	08/23/2004	(265841)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.211(c) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT TCEQ Air Permit No. 5572B, SC #1			
Description:	Failed to submit a copy of a final record for a scheduled maintenance activity.			
Date	08/28/2004	(267569)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.211(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT TCEQ Air Permit No. 5572B, SC #1			
Description:	Sunoco failed to report an emissions event.			
Date	07/27/2005	(400065)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1)			
Description:	Failure to represent the emissions from A/B Flare properly in the Permit Application dated November 22, 2002.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PERMIT 5572B SC No.9 OP O-01424, SC 8			
Description:	Failure to unload tanks within the permit allocated time period			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PERMIT 5572B, SC 18.E OP O-01424, SC 1A & 8			
Description:	Failure to cap or plug the 115 open ended lines in B-line Unit and 67 open ended lines in C-line Unit during the certification period.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(C)			
Description:	Failure to submit the deviation report within 30 days after the end of the six months reporting period from February 2, 2004 through August 2, 2004.			

Date 05/30/2006 (461009)

Self Report? NO

Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA 5572B, Special Condition #1

Description: Failure to prevent venting of unauthorized emissions to the flare due to partially plugged make up water heat exchanger.

Date 07/10/2006 (466004)

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT No. 5572B, Special Condition 1

Description: Failure to prevent unauthorized emissions

Self Report? NO

Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)

Description: Failure to submit final report for a scheduled startup activity no later than two weeks after the end of the scheduled startup.

Date 07/14/2006 (484670)

Self Report? NO

Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent unauthorized emissions.

Self Report? NO

Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)

Description: Failure to submit the final report for the scheduled maintenance activity in a timely manner.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SUNOCO, INC. (R&M)  
RN102888328

§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-0484-AIR-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sunoco, Inc. (R&M) ("Sunoco") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Sunoco appear before the Commission and together stipulate that:

1. Sunoco owns and operates a petrochemical plant at 8811 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Sunoco agree that the Commission has jurisdiction to enter this Agreed Order, and that Sunoco is subject to the Commission's jurisdiction.
4. Sunoco received notice of the violations alleged in Section II ("Allegations") on or about March 26, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Sunoco of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Nine Hundred Fifty Dollars (\$8,950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Sunoco has paid Seven Thousand One Hundred Sixty Dollars (\$7,160) of the administrative penalty and One Thousand Seven Hundred Ninety Dollars (\$1,790) is deferred



contingent upon Sunoco's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Sunoco fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Sunoco to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Sunoco have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Sunoco has hydro-blasted and buffed the inside of the old deaerator and placed it under a nitrogen blanket to prevent oxidation, as documented on April 23, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Sunoco has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, Sunoco is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 5572B, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 15, 2007. Specifically, 1,636 pounds ("lbs") of propylene, 66 lbs of propane, 1,196 lbs of carbon monoxide, 5 lbs of volatile organic compounds and 166 lbs of nitrogen oxide were released when Sunoco failed to prevent plugging of the boiler feed water strainer causing the shut down of the boiler, resulting in an emissions event that occurred on December 3, 2006, and lasted for twelve hours and fifty minutes (Incident No.84507). Since this emissions event was avoidable, Sunoco failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## **III. DENIALS**

Sunoco generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**





1. It is, therefore, ordered by the TCEQ that Sunoco pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Sunoco's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sunoco, Inc. (R&M), Docket No. 2007-0484-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Sunoco. Sunoco is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Sunoco in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Sunoco, or three days after the date on which the Commission mails notice of the Order to Sunoco, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



Sunoco, Inc. (R&M)  
DOCKET NO. 2007-0484-AIR-E  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Miller  
For the Executive Director

12/7/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Bayahueti for Don Empfield  
Signature

10/09/07  
Date

LORIS Canahuati  
Name (Printed or typed)  
Authorized Representative of  
Sunoco, Inc. (R&M)

Production Manager  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

